

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JUSTIN M. HEGNEY,

Petitioner,

v.

HAROLD D. CLARKE,

Respondent.

Case No. C07-5550FDB/JKA

ORDER GRANTING AN
EXTENSION OF TIME TO FILE
THE STATE COURT RECORD

This 28 U.S.C. § 2254 petition for habeas corpus relief has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. Petitioner is represented by Mr. Neil Martin Fox. Before the court is respondent's motion for an extension of time to submit the state record (Dkt. # 14). This is the second motion for an extension of time to submit filings. The first motion was joint motion filed by counsel which set forth a briefing schedule (Dkt # 12). That schedule was adopted by the court (Dkt # 13).

The reason for a second extension of time is that one of Mr. Hegney's Personal Restraint Petitions is not available as no mandate has been issued. Counsel has shown good cause for an extension of thirty days and the court record should be submitted **March 21, 2008**.

This will undoubtedly result in an extension of time to submit an amended petition and an extension of time to file an answer. Rather than have the court arbitrarily pick dates counsel should file motions indicating

1 how much additional time they believe they will need. The scheduling order entered by the court, (Dkt # 13) is
2 struck..

3 The Clerk is directed to mail a copy of this Order to counsel for petitioner and counsel for respondent.
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6 DATED this 21 day of February, 2008.
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8 /S/ J. Kelley Arnold
9 J. Kelley Arnold
United States Magistrate Judge
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